

1 JOSEPH P. RUSSONIELLO (CABN 44332)
2 United States Attorney

3 BRIAN J. STRETCH (CABN 163973)
4 Chief, Criminal Division

5 W.S. WILSON LEUNG (CABN 190939)
6 Assistant United States Attorney

7 450 Golden Gate Avenue, Box 36055
8 San Francisco, California 94102-3495
9 Telephone: (415) 436-6758
10 FAX: (415) 436-7234

11 Attorneys for the United States of America

12
13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

16
17 UNITED STATES OF AMERICA) No. 3-08-70235 MAG
18 v.) STIPULATION AND [PROPOSED]
19 GREGORY ALLEN WEISS,) ORDER DOCUMENTING WAIVER
20 Defendant.)
21 _____)

22 With the agreement of the parties, and with the consent of the defendant, the Court enters
23 this order vacating the preliminary hearing date of August 6, 2008 and setting a new preliminary
24 hearing date on August 8, 2008, at 9:30 a.m., before the duty magistrate judge. The parties agree
25 and stipulate, and the Court finds and holds, as follows:

26 1. The defendant, Gregory Allen Weiss, was charged in a complaint dated April 17,
27 2008 with one count of conspiring to distribute and to possess with intent to distribute 1,000 and
28 more individual marijuana plants, in violation of 21 U.S.C. §§ 812, 841(a)(1), 841(b)(1)(A), and
846, and one count of distributing and possessing with the intent to distribute 1,000 and more
individual marijuana plants, in violation of 21 U.S.C. §§ 812, 841(a)(1), and 841(b)(1)(A).

1 Weiss was arrested on April 23, 2008, and on April 25, 2008, was released subject to bail
2 conditions, including:(a) a \$600,000 personal recognizance bond (b) co-signed by two financially
3 responsible persons and (c) secured by property with equity covering the bond amount, notably
4 1109-1147 Evans Drive, Santa Rosa, California. The Court set May 14, 2008 as the date of the
5 defendant's preliminary hearing.

6 2. Since his arrest, Weiss has been represented by Ann C. Moorman, Esq. At the
7 joint request of Ms. Moorman and the Government, and with the consent of the defendant, this
8 Court extended the preliminary hearing date by two weeks, from May 14, 2008 until May 28,
9 2008. This extension was granted in order to allow the parties more time to pursue plea
10 discussions. Time was also excluded under the Speedy Trial Act until the May 28, 2008 date.

11 3. Following May 14, 2008, the parties continued their plea discussions in an attempt
12 to resolve this case prior to the filing of formal charges. The parties did not, however, complete
13 their discussions, and Ms. Moorman advised the Government that she required additional time to
14 confer with the defendant concerning his case. Accordingly, the parties, with the consent of the
15 defendant, asked the Court to extend the preliminary hearing date a second time, from May 28,
16 2008 until June 13, 2008, and to schedule the preliminary hearing at 9:30 a.m. on June 13, 2008.
17 The Court granted this request and excluded time under the Speedy Trial Act until June 13, 2008.

18 4. Since May 28, 2008, the parties have continued their discussions, and in
19 connection with these discussions, Ms. Moorman has made a written submission to the
20 Government. Ms. Moorman has also asked the Government for additional time prior to the filing
21 of formal charges so that she can supplement her initial submission with additional materials,
22 materials that she requires additional time to gather. Ms. Moorman subsequently provided these
23 additional materials to the Government.

24 5. The parties have now reached an end to their plea discussions without resolving
25 this matter, and the next step is to have the Grand Jury consider this matter. The next available
26 time for the Grand Jury is August 7, 2008, and to ensure administrative continuity, at the request
27 of the Government, Ms. Moorman has agreed to extend the preliminary hearing date from August
28 6, 2008, to August 8, 2008 at 9:30 a.m.

6. The parties, therefore, with the consent of the defendant, have asked the Court to extend the preliminary hearing date a fourth time, this time from August 6, 2008 until August 8, 2008, and to schedule the preliminary hearing at 9:30 a.m. on August 8, 2008, before the duty magistrate judge.

7. Accordingly, and with the consent of the defendant, the Court hereby: (a) vacates the August 6, 2008 preliminary hearing date and extends the time for a preliminary hearing until August 8, 2008, before the duty magistrate judge, at 9:30 a.m.

STIPULATED:

DATED: July 30, 2008

/s/
ANN C. MOORMAN, ESQ.
Attorney for GREGORY ALLEN WEISS

DATED: July 30, 2008

/s/
W.S. WILSON LEUNG
Assistant United States Attorney

IT IS SO ORDERED.

DATED: July ___, 2008

HON. MARIA-ELENA JAMES
United States Magistrate Judge